

**UPR 2018 (3RD CYCLE)
RECOMMENDATIONS
FOR NEW ZEALAND**



**HUMAN
RIGHTS
FOUNDATION**
AOTEAROA • NEW ZEALAND

1. HUMAN RIGHTS FOUNDATION JOINT COALITION STAKEHOLDERS REPORT

- Coalition of 26 human rights NGOs
- 58 recommendations
- Broad range of interests and human rights issues, including:
 - The scope of international obligations
 - Constitutional and legislative framework including due recognition of the status of Maori, our indigenous people
 - Human rights infrastructure, including NHRAP and NHRI
 - Criminal justice and the rights of prisoners to vote
 - The rights of migrants, refugees and asylum seekers
 - Police traffic pursuits and right to life
 - Domestic and sexual violence
 - The right to a safe and healthy environment
 - Climate change
 - Consultation on UPR National Report
 - Many more

2. SCOPE OF INTERNATIONAL OBLIGATIONS/CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

- Ratify the CRMWF*, CPED*, and the core ILO Conventions
 - Ratify the OP-ICESCR*, and the OP-CRC*
 - Make the optional declaration in Article 14 ICERD*
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- Incorporate into NZ Bill of Rights: ESC rights; a right to privacy; the right to a remedy for NZ Bill of Rights breaches, including by the judiciary; and the right to a sustainable and healthy environment.*
 - Amend the NZ Bill of Rights so that it over-rides ordinary statutes*
 - Procedurally entrench the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993*
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- Review and where appropriate implement the recommendations of the Constitutional Review and provide for appropriate constitutional or legislative recognition of the Treaty of Waitangi/Te Tiriti o Waitangi.*

3. INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE & PRISONERS RIGHTS

- Establish a Human Rights Commissioner appointment process that involves Parliament, possibly as one responsibility of a Parliamentary Select Committee on Human Rights
 - Establish a Parliamentary Select Committee for Human Rights
 - In cooperation with civil society, establish mechanisms, including a National Human Rights Action Plan developed and funded by the Government (rather than the Human Rights Commission), to independently monitor, against robust human rights indicators, the government's implementation of ratified human rights treaties and UPR recommendations
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- Amend the law to ensure that restrictions on prisoners' right to vote are reasonable and proportionate, consistent with New Zealand's international human rights obligations

4. POLICE PURSUITS / OFF-SHORE REFUGEE DETENTION CENTRES

- Renegotiate the 2013 Queenstown arrangement, stipulating clearly that New Zealand will not participate in Australia's offshore asylum seeker detention centres and wishes them closed
 - Reiterate New Zealand's offer to resettle at least 150 Australian refugees from Nauru and Manus Island
 - Withdraw the annual offer to take 150 of Australia's refugees in perpetuity
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- Ensure that civil society be meaningfully included in the current review of Police pursuits by the Independent Police Conduct Authority and the NZ Police

5. DOMESTIC AND SEXUAL VIOLENCE

- In collaboration with domestic and sexual violence service providers and users, an integrated system for domestic and sexual violence, where all agencies and individuals directly or indirectly involved operate as one system to end gender-based violence against women and children.
- Ensure policies and practice standards make it clear that non evidence-based concepts such as parental alienation must not be applied by the Family Court in cases of violence and abuse.
- Undertake a Royal Commission of Inquiry into reported widespread systemic failures in the way the Family Court is responding to cases of violence and abuse
- Invite the Special Rapporteurs on Violence against Women and Child Protection to conduct a country visit to New Zealand

6. ENVIRONMENTAL ISSUES & CLIMATE CHANGE / UPR CONSULTATION

- That New Zealand formally recognise the right to a safe and healthy environment, for example in the NZ Bill of Rights
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- - That New Zealand adopt a rights-based approach to climate change consistent with the Paris Agreement by passing a Zero Carbon Act that sets a long-term goal consistent with limiting global warming to 1.5 degrees, and that specifically provides for the protection of indigenous peoples' rights
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- - That New Zealand meet the expectation of relevant UN HRC resolutions and undertake broad and meaningful consultations over UPR National Reports
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